

OCA CIRCULAR NO. 10-2014, January 20, 2014

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TO : ALL JUDGES OF THE FAMILY COURTS

SUBJECT : REQUIREMENT OF THE LAW ON ADOPTION CASES

Secretary Corazon Juliano-Soiiman of the Department of Social Welfare and Development brought to the attention of the Court that there are cases wherein the filed Petition for Adoption did not include (a) a certification that the child is legally available for adoption pursuant to Republic Act No. 9523, "An Act Requiring the Certification of the Department of Social Welfare and Development (DSWD) to Declare a 'Child Legally Available for Adoption' as a Prerequisite for Adoption Proceedings, xxx"; and/or (b) a Consent to Adopt issued by the DSWD for children who are considered wards of the State.

Secretary Soliman further reported that there have been cases wherein prospective adoptive parents residing abroad filed the petition for adoption in Philippine courts under Republic Act No. 8552, "An Act Establishing the Rules and Policies on the Domestic Adoption of Filipino Children and for Other Purposes," otherwise known as the "Domestic Adoption Act. of 1998", instead of filing the petition under Republic Act No. 8043, "An Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children and for Other Purposes," otherwise known as the "Inter-Country Adoption Act of 1995" which provides that "(a)n alien or a Filipino citizen permanently residing abroad may file an application for inter-country adoption of a Filipino child xxx" (Article III, Sec. 9). The practice of filing petitions for adoption under the Domestic Adoption Act is discouraged by the DSWD as there may be unanticipated situations that may prevent the prospective adopted parents from bringing the adopted child to the country where they reside. This would be inimical to the well-being and best interest of the child.

To address the concerns of the DSWD and for the best interest and welfare of all the children to be adopted, as judges of family courts, you are all enjoined to STRICTLY OBSERVE the mandate of Republic Act Nos. 9523, 8552, and 8043, and other related laws and issuances when handling adoption cases before your respective courts.

January 20, 2014

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

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